Remarks

Claims 1-25 are pending. Claims 1-25 stand rejected by the Examiner. Claims 1-10, 13-16, and 20-24 are amended. Claim 26 is added. No new subject matter is added. Claims 1-26 are now pending in the application. Reconsideration and allowance of the pending claims is requested in light of the above amendments and the following remarks.

<u>Claim Rejections – 35 U.S.C. § 102(e)</u>

Claims 1-15 and 20-22 stand rejected under 35 USC 102(e) as being anticipated by Horvitz. The applicant traverses the rejections.

Regarding claims 1 and 20, the claims are amended to clarify that a preference is received from a user associating at least one contact device with at least one time slot. Horvitz does not teach this feature of the claims. Specifically, Horvitz teaches that its system generates a probability based on a profile of prior knowledge, which can include user input (*see* Horvitz col. 7, lines 16-21). However, Horvitz does not teach the content of such user input or that such input includes a preference associating a contact device with a time slot. Horvitz specifically teaches that the probability is based upon the status of a user's attention, not which device a user is most likely to answer a call on (*see* Horvitz col. 7, lines 4-15). Therefore, there would be no reason in Horvitz for the user to associate a specific device with a specific time slot. Consequently, Horvitz does not teach or suggest this feature of the claims.

The claims are further amended to clarify that the probability refers to the probability of a user answering an incoming call. Horvitz also does not teach this feature. Horvitz specifically teaches that its system is designed to provide "notifications and alerts generated

by devices such as computers" (*see* Horvitz col. 1, lines 19-20) and that the probability is based on whether the user is amenable to being interrupted or having screen real estate taken up by the alert (*see* Horvitz col. 8, lines 15-22; *see also* Horvitz col. 2, lines 47-65 (describing how information is sent to the user, not calls)). Horvitz does not teach an incoming call, as claimed; nor does it teach a probability based on the likelihood of the user answering such an incoming call. Consequently, Horvitz does not teach or suggest this feature of the claims.

For at least these reasons, claims 1 and 20 are allowable over Horvitz as Horvitz does not teach all of the features of these claims. Dependent claims 2-5 and 21 are likewise allowable.

Further regarding claim 2, the claim recites "probability data comprising a list of associations between contact devices and time slots." Horvitz does not teach this feature because the system of Horvitz is not concerned with specific contact devices associated with specific time slots; instead Horvitz is directed to whether a user is amenable to being interrupted based on their level of focus. Consequently, Horvitz does not teach this feature of claim 2 and, for at least this additional reason, claim 2 is allowable over Horvitz.

Further regarding claim3, the claim refers to a user being able to select a mode for determining which devices they will be contacted on. Horvitz does not teach this feature because it does not make any reference to multiple modes of operation or a user selecting between any modes of operations. Consequently, Horvitz does not teach this feature of claim 3 and, for at least this additional reason, claim 3 is allowable over Horvitz.

Regarding claims 6 and 22, the claims refer to predicting a probability of the user answering an incoming call from at least one contact device. As discussed above with

respect to claim 1, Horvitz does not teach this feature because it does not teach an incoming call or a probability based on a user answering such a call at a specific device.

The claims further refer to determining the success or failure of the contact signal by determining whether the user answered the incoming call. The Office Action proposes that Horvitz teaches this feature at the "Previous Alerts History 608" (*see* Office Action, page 5). However, Horvitz specifically teaches that the previous alerts history 608 "indicates the types of alerts that have been made to the user in the past, as well as the frequency of the alerts— such that the user is not overwhelmed by additional alerts" (*see* Horvitz col. 9, lines 47-50). Therefore, the previous alerts history 608 of Horvitz has nothing to do with whether contact signals failed or succeeded; it is simply a record of previous alerts that were sent. Consequently, Horvitz does not teach this feature of the claims.

For at least these reasons, claims 6 and 22 are allowable over Horvitz as Horvitz does not teach all of the features of these claims. Dependent claims 7-19 and 23-25 are likewise allowable.

Further regarding claim 8, the claim refers to accessing user preferences including an indicator specifying at least one of a predictive mode, a combination mode, and a preference mode. Horvitz does not teach this feature at least because the system of Horvitz does not have any modes of operation. Further, Horvitz only makes a passing reference to user preferences and does not provide any detail as to what is included in such user preferences. Therefore, Horvitz cannot anticipate this feature of claim 8. For at least this additional reason, claim 8 is allowable over Horvitz.

Further regarding claim 9, the claim refers to applying a weighting factor based on the user preferences to the probability. Horvitz does not teach such a weighting factor

applied to the probability. Horvitz only makes a passing reference to user preferences and does not describe any weighting of user preferences with the probability. Therefore, Horvitz cannot anticipate this feature of claim 9. For at least this additional reason, claim 9 is allowable over Horvitz.

Further regarding claim 10, the claim refers to transmitting the contact signal to a plurality of contact devices. Horvitz does not teach transmitting its alerts to a plurality of contact devices. The disclosure of Horvitz is directed to receiving inputs from a variety of sources and then deciding whether to send an alert to a user based on the probability that the user would want to be interrupted. Horvitz does not make any mention of sending the alert to multiple devices. Therefore, Horvitz cannot anticipate this feature of claim 10. For at least this additional reason, claim 10 is allowable over Horvitz.

Further regarding claim 11, the claim refers to transmitting one of the group consisting of: a phone call, a fax signal, an instant message or a video call. Although Horvitz does teach that information can be received from a telephone (*see* Horvitz col. 2, lines 48-51), it does not teach that any of a phone call, a fax signal, an instant message, or a video call are transmitted to the user. Instead, in Horvitz, an alert about the information is sent. Therefore, Horvitz cannot anticipate this feature of claim 11. For at least this additional reason, claim 11 is allowable over Horvitz.

Further regarding claim 12, the claim refers to determining at what contact device the user answers the incoming call. The Office Action proposes that Horvitz teaches this feature because it makes reference to "User's response to prior alerts" (*see* Office Action, page 7). However, Horvitz does not teach that its system sends alerts to multiple devices, so it could not teach determining at which device the user receives the alert. Horvitz does not teach that

its system in any way depends on which device a user receives an alert; it is directed to whether the user wants to receive the alert at all. Therefore, Horvitz cannot anticipate this feature of claim 12. For at least this additional reason, claim 12 is allowable over Horvitz.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 15-19 and 23-25 stand rejected under 35 USC 103(a) as being unpatentable over Horvitz. The applicant traverses the rejections.

These claims depend from claim 6 and claim 22, respectively. As discussed above, the probabilities of Horvitz are not directed towards determining the probabilities of which contact devices will be able to reach the user, but towards determining the ability to gain the user's attention. These claims are directed to various relationships between the contact devices and the probabilities. Therefore, the features of these claims could not be obvious additions to the teachings in Horvitz, as the Office Action asserts, because Horvitz does not teach any relationship between its probability and the success or failure on particular devices. It is therefore submitted that claims 15-19 and 23-25 are patentably distinguishable over Horvitz.

New Claim

New claim 26 is allowable over Horvitz at least because it refers to transmitting a call to a first device, determining the success or failure of the transmission, and then transmitting the call to a second device if the first transmission fails. These features are not taught or suggested in Horvitz at least because Horvitz is directed to whether or not to send an alert at
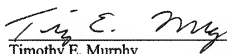
all and does not teach or suggest sending an alert to a second device following the failure of the first device.

No new matter has been added by this amendment. Allowance of all pending claims is requested. Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575   Respectfully submitted,

                                                      MARGER JOHNSON & McCOLLOM, P.C.

                                                      Timothy E. Murphy
                                                      Reg. No. 59,092

210 SW Morrison Street
Suite 400
Portland, OR 97204
503-222-3613